



Agenda Date: 10/22/03  
Agenda Item: IIIA

**STATE OF NEW JERSEY**

**Board of Public Utilities**

**Two Gateway Center**

**Newark, NJ 07102**

***www.bpu.state.nj.us***

CABLE TELEVISION

IN THE MATTER OF THE PETITION OF )  
COMCAST CABLEVISION OF SOUTH JERSEY, )  
INC. FOR AMENDMENT OF THE TERMS AND )  
CONDITIONS OF A RENEWAL CERTIFICATE )  
OF APPROVAL FOR THE TOWNSHIP OF )  
UPPER, COUNTY OF CAPE MAY, STATE OF )  
NEW JERSEY )

ORDER OF AMENDMENT  
OF A RENEWAL  
CERTIFICATE OF APPROVAL

DOCKET NO. CE03030157  
DOCKET NO. CE98060397

**SERVICE LIST ATTACHED**

BY THE BOARD:

On October 21, 1998, the Board granted a Renewal Certificate of Approval to Lenfest Atlantic, Inc. ("Lenfest") for the Township of Upper ("Township"), in Docket No. CE98060397. The expiration date as specified by that order is October 21, 2013. On January 18, 2000, the Board approved Lenfest becoming a wholly owned indirect subsidiary of Comcast Corporation in Docket No. CM99110855. Subsequently, on September 13, 2000, Lenfest's name was formally changed to Comcast Cablevision of South Jersey, Inc. ("Petitioner"). The Petitioner is now known as Comcast of South Jersey, Inc.

The Petitioner and the Township entered into negotiations regarding amendments to the municipal consent ordinance granted by the Township and the Renewal Certificate of Approval issued to the Petitioner's predecessor. The Township wanted to amend its agreement with the

Petitioner pertaining to the provision of certain facilities, including an educational and government access channel and local origination facilities. On December 9, 2002, the Township adopted a resolution indicating its intention to amend the agreement between the parties.

On March 5, 2003, the Petitioner filed a petition for Amendment to its Renewal Certificate of Approval. Upon receipt of the Petition, the parties were informed by the Office of Cable Television that the Township must amend its ordinance to reflect the revised agreement. On April 28, 2003, the Township adopted an ordinance amending its municipal consent ordinance of May 11, 1998. On May 19, 2003, the Petitioner accepted the ordinance.

On June 11, 2003, the Petitioner filed an amended petition for Amendment of the Renewal Certificate of Approval, pursuant to N.J.S.A. 48:5A-47 and N.J.A.C. 14:17-6.7. In its petition, the Petitioner requested that the Board approve an amendment to the municipal consent upon which the Renewal Certificate of Approval was based. The Board has reviewed the petition for Amendment of the Certificate of Approval and the amended municipal consent ordinance. Based upon this review and the recommendation of the Office of Cable Television, the Board **HEREBY FINDS** that the Certificate of Approval should be amended to include the following language:

Chapter 16-2 of the ordinance, Subsection 5 of Section IV of the Application for Renewal of Municipal Consent and Provision No. 11 of the Renewal Certificate of Approval are amended to state that the Petitioner shall provide a dedicated educational and governmental access channel to the Township that is to be managed and operated by the Township. The Petitioner shall provide the installation of a two-way fiber run from the Upper Township Middle School and the Upper Township Hall to the Petitioner's Pleasantville head-end facility. The Petitioner shall provide reasonable technical assistance to the Township with regard to the method and equipment needed to manage the channel.

Therefore, the Petitioner is **HEREBY ISSUED** this Amendment to the Renewal Certificate of Approval as evidence of the Petitioner's authority to construct, operate and maintain a cable television system in the Township. The Amendment shall not affect any of the remaining terms and conditions of the Certificate of Approval issued by the Board in its grant of operating authority. This Amendment to the Renewal Certificate of Approval is subject to all applicable state and federal laws, the rules and regulations of the Office of Cable Television, and any such lawful terms, conditions and limitations as currently exist or may hereafter be attached to the exercise of the privileges granted herein.

The Petitioner shall adhere to the standards set forth by the Federal Communications Commission's rules and regulations, 47 C.F.R. §76.1 et seq., including but not limited to, the technical standards 47 C.F.R. §76.601 through §76.630. Any modifications to the provisions thereof shall be incorporated into this Certificate.

Failure to comply with all applicable laws, rules, regulations and orders of the Board or Office of Cable Television and/or the terms, conditions and limitations set forth herein may

constitute sufficient grounds for the suspension or revocation of the Certificate issued by the Board.

This Amendment to the Renewal Certificate of Approval is issued on the representation that the statements contained in the Petitioner's applications are true, and the undertakings therein contained shall be adhered to and enforceable unless specific waiver is granted by the Office of Cable Television pursuant to the authority contained in N.J.S.A. 48:5A-1 et seq.

DATED: October 23, 2003

BOARD OF PUBLIC UTILITIES  
BY:

(signed)

\_\_\_\_\_  
JEANNE M. FOX  
PRESIDENT

(signed)

\_\_\_\_\_  
FREDERICK F. BUTLER  
COMMISSIONER

(signed)

\_\_\_\_\_  
CAROL J. MURPHY  
COMMISSIONER

(signed)

\_\_\_\_\_  
CONNIE O. HUGHES  
COMMISSIONER

(signed)

\_\_\_\_\_  
JACK ALTER  
COMMISSIONER

ATTEST:

(signed)

KRISTI IZZO  
SECRETARY

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